

Remarks:

Reconsideration of the application is requested.

Claims 1-17 remain in the application.

In item 2 on page 2 of the Office action, claims 1-9 and 14-17 have been rejected as being obvious over either Seal (U.S. Patent No. 3,072,129) or Walker (U.S. Patent No. 2,692,604) in view of either Stickel (DE 29 38 883 A1) or Alavi (U.S. Patent No. 5,914,065) under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1, 16, and 17 call for, *inter alia*:

a heating device disposed on the pump housing in heat-conducting contact with the interior of the pump housing.

First, it is respectfully noted that the Examiner's comment that Walker discloses a pump disposed outside the washing compartment is not accurate. The Walker reference discloses a tub (12) provided with a suitable impeller (24) driven by a motor (26) by a belt drive (28). Since the impeller (24) is provided in the tub (12) there is no pump disposed outside the tub (12). Since Walker does not disclose a pump disposed outside the washing compartment, the reference will not be discussed further.

It is noted that the corporate assignee of the Stickel reference is also the assignee of the instant application. Therefore, applicants are very familiar with the Stickel reference.

Next, it is respectfully noted that the Examiner's comment that the Stickel reference discloses a pump having a heater disposed thereon is also not accurate. Stickel discloses a metal motor housing (3), which projects into the interior of the dishwashing compartment. A resistance heating element (9, 9') is provided on one end of the metal motor housing (3). A pump (5) is disposed at the opposite end of the metal motor housing (3). No heating elements are provided on the pump housing of the pump (5). Therefore, the Stickel reference does not disclose a pump having a heater disposed thereon.

Thirdly, it is respectfully noted that the Examiner's comment that the Alavi reference discloses a pump having a heater disposed thereon in Fig. 5, is also not accurate. The Alavi reference discloses a heating and pumping apparatus (60). An electrically conductive impeller (72) is attached to a shaft (75), which is attached to and driven by a motor (78).

Permanent magnets (80 and 82) are secured between opposing faces of the pump housing (66) and the plates (85 and 87) (column 9, lines 15-21). This construction establishes a magnetic field through the pump impeller (72). When the impeller (72) is rotated, eddy currents are formed in the electrically conductive impeller (72). The eddy currents heat the impeller (72) and this heat is transferred to a fluid, which is moved by the impeller (72) (column 9, lines 29-35). Therefore, in the Alavi reference the impeller (72) is the heating element. Furthermore, the Alavi reference discloses that the pump housing is made from a non-magnetic material, preferably a plastic, and surrounded by insulation to prevent heat loss to the atmosphere. Therefore, contrary to the Examiner's comments, neither the permanent magnets (80 and 82) mounted on the housing (66) nor the plates (85 and 87) mounted on the housing (66), can be considered conductive heating elements disposed on the pump housing.

The Seal reference discloses a dishwasher having a pump (18) directly mounted to the shaft of a motor (22) disposed outside of a tub (3).

The references do not show or suggest a heating device disposed on the pump housing in heat-conducting contact with the interior of the pump housing, as recited in claims 1, 16, and 17 of the instant application. As discussed above, neither Stickel nor Alavi disclose having a heating device disposed on pump housing in heat-conducting contact with the interior of the pump housing. Therefore, claims 1, 16, and 17 are not obvious over the references applied in item 2 of the Office action.

Since claim 1 is believed to be patentable, dependent claims 2-9, 14, and 15 are believed to be patentable as well.

In item 3 on page 2 of the Office action, claims 10-13 have been rejected as being obvious over either Seal (U.S. Patent No. 3,072,129) or Walker (U.S. Patent No. 2,692,604) in view of either Stickel (DE 29 38 883 A1) or Alavi (U.S. Patent No. 5,914,065) and in further view of Wright (U.S. Patent No. 4,594,500) under 35 U.S.C. § 103. It is noted that the Wright reference does not make up for the deficiencies of Seal, Walker, Stickel and Alavi. Since claim 1 is believed to be

patentable, dependent claims 10-13 are believed to be patentable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1, 16, or 17. Claims 1, 16, and 17 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-17 are solicited.

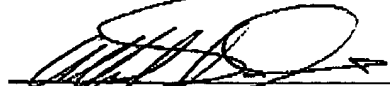
In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees which might be due with respect to
Sections 1.16 and 1.17 to the Deposit Account of Lerner &
Greenberg P.A., No. 12-1099.

Respectfully submitted,

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For Applicant(s)

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